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HANDLING INSTRUCTIONS

TO : SecState WASHDC
INFO : Ambassador ISLAMABAD
 Ambassador MOSCOW
 Ambassador NEW DELHI
 USLO PEKING
 Ambassador TEHRAN

*Khaliq thinking
on
in 196 or 77*

S.O. 11652: N/A
EASS: : PINT, AF

FROM : Ambassador KABUL

DATE: May 24, 1978

SUBJECT: Khaliq's Pre-Revolutionary Views on a Constitution
 for Afghanistan

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There is attached an unofficial translation of the text of the Khaliq Central Committee's thinking of two years ago on what type of constitution that party would like to see for Afghanistan (the document was circulated during the Daoudist era as an illegal "night letter"). It provides a possible indication of how their new constitution might look.

The principles expressed two years ago generally reflect what the new regime has been saying since its seizure of power on April 27-28, 1978. The language employed earlier, however, strikes us as less strident than what we have been hearing for the past month, a development probably attributable to the difference between an underground party and a party in power. Additionally, the Khaliq at that time possibly thought that it might have some influence on the constitution the Pasdust regime was preparing in late 1976 and early 1977. They were bitterly disappointed by the contents of the latter document when it was adopted on February 13, 1977.

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CHRON

(all info
enclosure)

ELIOT

*appeal for
leftist front
No progress toward
more precise, realistic
plan for NATO*

Enclosure: as stated

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decide how

POL:PA/Actin

*Khaliq
start*

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Feb. 20, 1981

NEA

Attached is a copy of outline of the central committee of Afghanistan Khalq party for a new constitution for Afghanistan. In reading this it should be remembered that it was written at a time when a united front with progressive elements in the Daoud regime was viewed as the Khalq party's main hope for influence in the near future. They were probably cautious in framing some of the language which will now be very different after ^{seizing} ~~obtaining~~ total power in this country.

[REDACTED]

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London file

SHAFIYAS

Outline of proposal of the Central Committee

of the Afghanistan Khalq Democratic Party * Party of the painstaking people of Afghanistan * for drafting the constitution

This is probably under party file under

Date: March 15, 1355/ April 4, 1973

Kabul, Afghanistan.

Afghanistan is back ward country in the field of social and economic; its economic and social independence is not secured since the regaining of political independence 68 years ago. The country needs a progressive active policy for its internal and foreign affairs, by fixing a firm progressive democratic principle in this stage of the history(in the frame work of a constitution) and its scientific application in the fields of politics, economy, social and cultural affairs in order to overcome the backwardness and to achieve economic independence to make the country achieve a rapid progress in all fields. Therefore the Central Committee of the Afghan Khalq Democratic party believes that under the present conditions a democratic constitution is so vital for the country. Especially when the following factors have created a favourable atmosphere for a democratic progressive constitution for the country:

The situation at the present has intensified battle between the democratic elements and oppressive elements, progress and reaction, and socialism and imperialism. In this battle proportion of power leans towards the democratic, progressive and socialist elements.

(Secret Party)
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The national freedom movements are gaining success after success in Asia, Africa and Latin America defeating reaction and imperialism, entering from the stage of feudal and imperialism to the stage of struggle against capitalism and oppression. Expanding world revolutionary trend is having effect on the situation in Afghanistan too. Afghanistan has gotten important situation in this region especially after the establishment of republican regime in the country, and can play an active role in the anti-imperialistic movement in this region. Public democratic demands have increased since the abolishment of monarchy and establishing of republican regime led by President Daoud and explanation of public demands in the speeches made on Saratan 26th and 1st Sanbela 1352 and the press interviews where the regime leadership and undertaken bringing in basic changes in the country, executing basic social democratic reforms, rule of people, creation of a democratic republic, drafting a democratic constitution, giving party to masses in the political, economic and social affairs, defending the public rights, creation of a united front etc. Comparative expansion of state sector in economy, and economic planning system when feudalism is declining according to the history. The best is to choose a new democratic policy and to avoid capitalism which has been so difficult for the people here. Effective struggles of our national powers of our democratic party, Afghan Khalq Party, like the torchbearer (here means leader) of democratic movement during the last 11 years of its struggles for enlightening people against

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reaction and imperialism and feudalism, for national independence and progress and democracy in the country. Our policies and aims have already been explained and published in our gazette 'Khalq' AND OUR MAINT publication Parvash, and in the speeches made by our parliamentarians during the vote of confidence debate on Dr. Zahir's government, there our main outlines for the economic and social progress, establishment of a democratic national united front, to make the democratic national revolution bring success, and to make a national democratic government in the country to end exploitation in the country, were explained. Therefore, now the public masses are prepared to give support by realising the programme and the national democratic constitution which must be anti-feudal and anti-imperialistic. There are conditions for such a comprehensive constitution. But this is not enough itself with the arbitration of history and the freedom movement of Afghanistan Khalq, especially in a situation that the republican regime's leadership outlined ~~constitutional~~ constitution is being given to an appointed commission for consideration; a realists' good struggle and unity and cooperation among the national democratic elements and forces, in and out of the regime, under a joint platform is required to get the guarantees given by the republican leadership practiced and enforced. The national forces are responsible to see the national requirements met in the constitution. Our party feels responsible to invited all the national progressive parties and

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organizations belonging to left democratic sides (in and out of the regime) to get united under the Proclamation of unity creating a joint Afghan Democratic National United Front at this historical stage for creation of Democratic National Revolutionary Republic.

Our party can presently serve by presenting the following five articles programs as joint platform for unity among the national progressive forces for getting a democratic constitution:

1. Strengthening basis of political and social progress of the republic regime, crushing the rightist and reactionary elements from the government machinery, because those are the enemies of Afghan people.
2. confrontation with the local and regional reactionary forces, imperialism and Marxism that are plotting against the republican regime, and are obstacle for the progress of the country.
3. Adaption of republican proclamation declaration of 26th Saratan and the 'address to the people' speech of Sombala 1352.
4. Abolition of martial law(military government) in a way that it doesn't weaken discipline for misuse of local and foreign reaction. Official recognition and freedom of patriotic revolutionary parties and organizations, freedom of speech, meetings and press for the best interests of the people.
5. Proclamation of free democratic elections(general voting, secret, equal, direct, for men and women aging 18 and onward); and large Jirga made of real representatives of the people for reaffirming the constitution and establishing a legal national democratic government.

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According to the aforesaid 5-articled platform, the patriotic national parties and organization belonging to the left should get united to help in preparation of a progressive democratic constitution for the Afghan republican regime.

Our party can remain unconcerned in this regard, because rightists reactionaries and Moslems could endanger the national interests. Incidents in Iran after Mossadig, Indonesia after Sukarno, Bangladesh after Mujib, Chili after Allendi, and Egypt after Nasser are good lessons to the real patriotic democratic forces. The Afghan Peoples Democratic Party is responsible to the painstaking workers of the country in protecting the better interests of the country.

Outline proposal of general and essential principle for the constitution:

About 'States political and social organization':

"Afghan Democratic Republic" is a democratic revolutionary state, and the national united front of the Afghan peoples democratic is the leading force of the state and is made of united political organizations of country's workers, farmers, enlightened and progressive elements belonging to the lower and middle class, whose participation is guaranteed through their party representatives.

Basic power in Afghan democratic republic belongs to people through Jargah working for national sovereignty, real democracy and creation of democratic state system, and various organizations.

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Commentary: System of Jergaha is a tradition of our people which is developed on principles of our ages democratic rules; and can be a good way of democratic government's new way.

Afghan democratic state inside of states (provinces) having equal rights will all kind of people living here in this country. States are made in according with the land, economy, language and culture on equal basis having collaboration and brotherhood among all the inhabitants of the country.

Afghan military has played a patriotic role in abolishing the monarchy and establishing republican regime with the cooperation of Afghan Rhaq. Afghan military will be re-organized with the spirit of progressive democratic principles for the better interests of the nation towards socialism.

Afghan Rd works for the nation through the higher authorities as follows:

1. Strengthening and protection of national sovereignty, national independence and integrity.
2. To remove poverty and economic backwardness, illiteracy, unemployment, national oppression and discrimination from the country and to find democratic solution for these.
3. Creation of a national free economy, and speed up economic development according to scientific plans and establishment of national independent industry.
4. Raising the living standards of the people; and for this

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purpose the government has got the following duties for a rapid progress in this regard:

a: Execution of land-reform in democratic way in favour of the farmers.

b: Abolition of feudal and pre-feudal relations.

c: To end occupation of foreign traders and the representatives of imperialistic foreign monopolies.

d: Nationalization of foreign trade, vital attempts in local trade, banks, and insurance companies.

e: To make democratic the state machinery, political and social life of the country.

f: To make perfect the languages, and national cultures of Afghan people and to make use of the world revolutionary and progressive cultures.

g: Rejection of new colonial imperialism and those connected to it in the economic, political, social and cultural fields.

h: To follow a peaceful active neutral policy based on peaceful coexistence with friendly relations with the peace-loving countries and progressive states of the world; backing freedom movements in the world and those of the people in Pakistan and Baluchistan.

i. And, to follow path of other than capitalism, towards socialism so that exploitation could be abolished.

About "Economic and Social Organisation":

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Foundation of Afghanistan DR is laid on path of anti-capitalism towards economic socialist system, directed by national state economic plans.

Government is responsible to use the human power in the country in useful way. Alongwith the democratic land-reform and free distribution of land to the farmers, agricultural cooperatives and unions for farmers to made withthe help of the government. Afghan DR has the right of review on possession of private properties, and Properties bought through illegal ways, and those belonging to the national traitors is confiscated. Citizens can't use private properties against public interests.

Following are the property of the state: big organizations, banks, under ground resources, forests, roads, post & telegraphs, radio and TV, municipalities, big buildings, farms and industrial projects.

Foreign trade is a government national monopoly.
Work is the duty and honor of people in DR, and this is the main factor for progress in the country. Support trade is regulated by law, and the DR encourages work for sound progress of the country.

About " Basic rights and duties of the citizens":

Citizens have the right of working and the state arranges conditions for working. Compulsory work is prohibited.

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Free choice for free work is secured, and the workers have the right of leave and recreation with salary, improvement of working conditions, insurance, retirement, aid in disasters etc. Men and women have equal rights in working.

Citizens have the right of free education. Educational institutes belong to the state, and primary and secondary education is compulsory. Education in schools is given in their mother language. Government takes necessary quick steps in modernizing educational system in the country, and establishes vocational institutes in technical, agricultural and production affairs. It is the duty of the government to train the young people with the spirit of revolutionary patriotism.

Citizens have the right of getting medical care. Women are equal to men in social, economic, state, civilization, political and cultural affairs.

All the citizens of the country are equal in law without any kind of discrimination in race, tribe, religion, language etc. Those violating these principles are punished.

Individual freedom is guaranteed, nobody could be followed or jailed without the arbitration of the law or court more than 24 hours. No action is crime unless explained so in the law. Force cant(torture) be used even for revelation of facts; statements made in force have no value. An accused has the right of defence.

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Note: In this article also a legal principle be inserted that could secure and guarantee all kinds of freedom of individuals in a fair way.

Citizens have full freedom of belief and can perform their religious ceremonies freely; they are not followed because of their religion. Nobody and none of the social and political organization including the government could use religion for political purpose.

Citizens are entitled to the freedom of speech, writing, meetings, strikes, demonstrations etc. State provides favorable conditions to guarantee such freedoms.

For 1947 use
under Soviet
but now the
longer necessary

The citizens of Afghan Democratic Republic have the right of having political organizations (parties) social (masses) organizations including workers and class unions, agriculture cooperatives, students unions, unions of young and women, cultural societies. Nobody has the right of misusing the democratic freedom rights against the interests of the people.

Private property, freedom of religion and secrecy of letters, telephone and other communication and traveling etc is safe from invasion.

Afg. Democratic Rep. gives asylum to foreign progressive national revolutionaries.

Note: Afghan champion traditional hospitality gets a high reaction this way.

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It is the duty of the citizen, to defend the sovereignty and integrity of the country, protection of public property, to work jointly, respect tax obligations and military duty. Those committing treachery, helping country's enemies, misuse of state property and embezzlement, are subject to punishment.

About Loya Jergah (Great Jerga, Parliament or Assembly)

Asg. Democratic Rep. Loya Jergah is a higher authority in the country representing the wishes of the people, is a higher place for making law and controls of the government affairs.

Commentary: The traditional Loya Jergah of Afghanistan can be replaced as parliament or assembly entering the perfect stage of democratic system.

Loya Jergah is authorized in making decisions about: promulgation of laws, amendment or cancellation of laws, guidance for domestic or foreign policies, enactment of taxes, economic plans, hearing budget reports, considering treaties and agreements and communiqués, division of land etc, affairs concerning peace and war, country's boundaries, procedures of state Jergah (president) minister's Jergah (government), supreme court etc.

Loya Jergah is elected for four years and is made of two houses, Wolesi Jergah and National Jerga.

Wolesi Jergah: Members of WJ are elected in constituencies

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on basis of one representative for 50,000 people, and for National Jergah 30 representatives for each province. Both the Jergahs have equal rights. Initiation of making law is the same for both the Jergahs, and their meetings are open. The salaries of the representatives are based on their presence.

The representatives have the right of questioning cabinet or each of the ministers individually. Representatives are not followed because of the vote given or their ideologies, during the performance of their duties in Loya Jergah.

Principle of 'State Jergah' or State Council:

Afg. Dem. Rep. Jergah is the highest state power authority which coordinates law making activities with the executive branch affairs, and is responsible to Loya Jergah giving its reports.

Members of the State Jergah are elected by the Loya Jergah. President of the Jergah is President of the country and his assistant Vice President.

The State Jergah has the following duties:
Arranging and controls of basic duties as in result of the decisions made by the Loya Jergah, with the leadership of the Jergah activities, calling Loya Jergah sessions, issuance of decrees for elections of 1st, and provincial Jergahs, and regional Jergahs, in case of 1st decision to get referendum, proposals for enactment of laws, publication of

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LJ decisions and laws, changing of constitution and other laws, leading defence and general security of the country, appointment and removal of the commandant of army, and members of the gen. commandant of army, bestowing/military grades and titles, representation of Afg. Em. Rep. in international relations, signing of international treaties, fixing grades for diplomatic and council legation on the proposal of cabinet, control of the enforcement of new laws passed by LJ, cancellation of ~~anti~~ illegal decisions made by the jergahs, granting or canceling Afghan citizenship, giving asylum, cutting or excusing the punishments etc.

President leads the state Jergah and accepts the credentials of foreign envoys.

State Jergah temporary works on LJ duties when the LJ is on leave, i.e. appointment or removal of some ministers on the proposal of prime minister etc., and reports it on proceeding session. State Jergah can transfer some of its authorities to the President.

Ministers' Jergah or Government:

Cabinet is the highest executive authorities in AEM, its president is Prime Minister; according to his proposal his deputies and ministers are elected in or out of the parliament through the LJ.

Ministers' Jergah is responsible to the LJ, and reports to the LJ.

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The Ministers' Jergah has the following duties:

Coordination of ministries' affairs, taking care of provincial affairs and guiding them, leading and organising internal and external policies of the country, protection of public property, holding international treaties, fixing number of people for the military service, arranging budget and economic plans and its enactment, organising country's financial system, proposing and initiating laws to the Loya Jergah, adoption of EJ decisions, securing democratic system and protection of citizens rights.

Decrees, orders and decisions by the Ministers' Jergah fitting to the constitution are forceable throughout the country.

State Jerga, Provincial Jergah, and Regional Jergah:

provincial
State Jergahs and ~~regional~~ jergahs are the highest state authorities in these places, each elected for four years.
provincial
State and ~~regional~~ jergahs execute state's policies in their relevant areas.

The Jergahs elect their executive commission and chief from among the members or out of the jergahs, who are in the position of administrators of the states and ~~regional~~ provinces and are responsible to their relevant jergahs.

Regional authorities are the state power in the areas

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who includes: regional jergahs (municipal and district jergahs; Moleswali and village jergahs) that are elected for 8 years.

The upper regional jergahs ~~and~~ control and lead the lower jergahs, and they elect their working board members in or outside of the jergah, and are administrators of the areas being responsible to their relevant jergahs.

The State power authorities and those of the Jergahs ~~and~~ work for the better interests of the country according to the constitution of Afg. Dem. Rep.

Note: Constitution should explain the rights and responsibilities of the Jergah in a democratic way. The rights of the central authority and the provincial authorities be based on justice so that the social and economic situation of the people in the country could develop and make progress in a democratic way.

Judiciary and Public Prosecutions

Justice in Afg. Dem. Rep. is performed by Supreme Court, high provincial courts, and regional courts. Their duties are: To attend to all claims where individuals, social and political organizations including the government are involved ^{and} are part.

State courts protect social progressive system, state property, peoples rights, life, freedom, security, democratic rights of the people. Makes the progressive democratic legalized and strengthened, prevents crimes and encourages the people to work

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for revolutionary progressive plans of the country.

Judges are independent in their duties obeying the law. Supreme Court is the highest judiciary authority that supervises all the courts and is responsible to the LJ. Courts executes justice equally to the citizens. Cases are attended in the courts openly with the participation of all the parties and freedom of defending is secured.

Modern criminal and civil laws are proposed by the supreme court to the LJ.

Attorney General is responsible for supervision and controls of the enforcement of law through the ministries and state organizations, regional authorities and social and economic organizations, officials and citizens.

Attorney General is elected by LJ for the period of five years, and is responsible to the LJ and its absence to the state jergah and reports to them. Attorneys protect rights and benefits of the people.

Basic principle about 'Elections':

National sovereignty is connected to the people, and they practice this right by their representatives or referendum. No person or authority could obtain this right.

All the citizens of Afghanistan have the right of electing

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their representatives for all Jirgahs etc. Right of voting is general, equal, direct and secret. All people of Afghanistan passing the age of 18 have the right of voting without any religious, race, tribe, belief, sex etc discriminations. Those aging 24 or more can be elected as representatives. Right of vote is the same for everybody and one for each. Women like men, militarymen and officers, policemen on security or on borders have the right of voting and to get elected.

Election of all the representatives for all kinds of Jirgahs takes place by voters freely without any sort of threat on them. Political parties and social organizations can freely introduce candidates for representation. Membership age for political parties is also 18.

Note: In elections attention is paid that reactionaries, oppressives, regional influentials or money doesn't play any role and don't disturb the free elections.

Principles explained above for the preparation of constitution are presented so that a progressive democratic constitution could be made for the country; ofcourse that could be put in systematical order in chapters and articles.

Our party believes that accepting the presidential system instead of democracy in shape of Jirgah will not be in

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our national interests under the conditions that our country is in
i.e. having several races, tribes, languages, religions and various
cultures in the country. While the parliamentary democracy system
on new democratic method with the Jargals and with a responsible
government under the leadership of Afghan Khalaq Democratic National
United Front as explained before will be good for the progress
of the country and will prevent political reaction and bureaucracy etc.

Our Central Committee believes that country's constitution
be made with the spirit of patriotism and democracy by giving a
teeth-breaking answer to reaction. Each subject and article of
it should be discussed and considered with full care, then the
draft be submitted to the public before it is presented to the
Loya Jergah. Our Party's representatives are always ready for
giving explanation about the constitution outline to anybody
or any meeting at anytime. We request the progressive enlightened
patriots to give their suggestions if our outline has any
mistake or imperfection (from the view point of progressive democratic
principles).

Afghan Soc. Rep. constitution should stress duties of
the future progressive society structure of the country through
progressive development by means other than capitalism, likewise
socialism so that it could serve the country in a better way,
and so that it doesn't conflict with the interests of the participating
workers and could have real democracy.

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Socialism, without any doubt, is the future of our country. And, so he explained clearly as the final goal in the Afg. Dem. Rep. constitution.

At the end, it can be said that Unity among the progressive national democratic forces in a united national democratic front can bring in possibility for enforcement of a progressive democratic constitution according to the aforesaid outline; can raise the knowledge of the people paving ground for a real democratic republic, make a new Afghanistan, a united progressive country, A prosperous Afghanistan, joint property of all the industrious people of Afghanistan.

Note: It is reminded that this outline was meant to be for outlining the general and essential principles of a progressive democratic constitution. At the time of the preparation of the constitution, of course, principles for proper arrangement of chapters and articles etc and other democratic principles and necessary items to remove the misunderstandings, are immediately taken into consideration.

Es higher raised the Parchan of Social and National
Freedom-giving movement of Khalq of Afghanistan !

R.G. Mohra

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